MONTANA LEGISLATIVE HISTORY

Chapter 19 19 97

Bill H _____ S 135 Original bill & history ✓C

H. Committee on Business & Labor		S. Committee on Judiciary	
Hearing Date(s) 1/24	✓C	Hearing Date(s) 1/15	✓C
_____	____C	_____	____C
_____	____C	_____	____C
_____	____C	_____	____C
Date Out _____	____C		

Did this bill originate in an interim committee? ____Yes ____No

Committee _____ Report _____

1997 LEGISLATIVE HISTORY

The 1997 Montana Legislature has dramatically changed the nature of the legislative minutes. Specifically, the minutes from House committees are extremely sparse in content, offering no substantive information from which to glean legislative intent. The Senate committees' minutes are somewhat fuller in content. Exhibits available from the State Law Library (which may include written statements, attendant information, roll call votes, roll call attendance, a list of public members present, specific action taken on legislative bills, etc.) are included with this request. For information on other exhibits, contact the Montana Historical Society Archives at 444-4774. Exhibits may also be purchased on a CD-ROM from the Montana Legislative Council (444-3064).

Just as in the 1995 legislative session, the House and Senate hearings were recorded. The Historical Society is the depository for the tapes. For information on accessing the tapes, call the archives at 444-4774.

If you have concerns over the format of the 1997 legislative minutes, it is suggested that you contact your state legislators.

SB 135 INTRODUCED BY CRIPPEN *LC0505 DRAFTER: PETESCH*

ELIMINATE THE SPECIAL NOTICE OF ARBITRATION PROVISION REQUIRED FOR CONTRACTS

1/08	INTRODUCED		
1/08	FIRST READING		
1/08	REFERRED TO JUDICIARY		
1/15	HEARING		
1/16	COMMITTEE REPORT—BILL PASSED		
1/17	2ND READING PASSED	47	1
1/18	3RD READING PASSED	41	0
	TRANSMITTED TO HOUSE		
1/20	FIRST READING		
1/20	REFERRED TO BUSINESS & LABOR		
1/24	HEARING		
1/25	COMMITTEE REPORT—BILL CONCURRED		
2/01	2ND READING CONCURRED	88	9
2/03	3RD READING CONCURRED	91	8
	RETURNED TO SENATE		
2/06	SIGNED BY PRESIDENT		
2/07	SIGNED BY SPEAKER		
2/07	TRANSMITTED TO GOVERNOR		
2/11	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 19		
	EFFECTIVE DATE: 02/11/97		

SB 136 INTRODUCED BY HARGROVE *LC0529 DRAFTER: MALY*

REGULATE PERSONAL SOLICITATION SALES BY TELEPHONE OR TELEFACSIMILE TRANSMISSION OR IN PERSON

1/08	INTRODUCED
1/08	FIRST READING
1/08	REFERRED TO BUSINESS & INDUSTRY
1/08	FISCAL NOTE REQUESTED
1/17	FISCAL NOTE RECEIVED
1/28	HEARING
2/05	TABLED IN COMMITTEE
3/03	MISSED DEADLINE FOR 45TH DAY TRANSMITTAL
	DIED IN COMMITTEE

SB 137 INTRODUCED BY HARGROVE, ET AL. *LC0038 DRAFTER: WILLIAMS*

EXEMPT CERTAIN DIVISIONS OF LAND FROM SUBDIVISION REVIEW IF OWNER PERMANENTLY DEDICATES SUFFICIENT OPEN SPACE

1/08	INTRODUCED
1/08	FIRST READING
1/08	REFERRED TO LOCAL GOVERNMENT
1/08	FISCAL NOTE REQUESTED
1/15	FISCAL NOTE RECEIVED
1/20	FISCAL NOTE PRINTED
1/28	HEARING
2/20	TABLED IN COMMITTEE
3/03	MISSED DEADLINE FOR 45TH DAY TRANSMITTAL
	DIED IN COMMITTEE

SB 138 INTRODUCED BY FOSTER, ET AL. *LC0616 DRAFTER: CAMPBELL*

REQUIRE THAT A PERSON ELECTED OR APPOINTED TO FILL A FULL-TIME COUNTY ATTORNEY POSITION IN A COUNTY WITH A POPULATION OF

Legislature

SB BILL NO. 135

INTRODUCED BY

A BILL FOR AN ACT ENTITLED: "AN ACT ELIMINATING THE SPECIAL NOTICE OF ARBITRATION PROVISION REQUIRED FOR CONTRACTS; AMENDING SECTION 27-5-114, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

WHEREAS, in Doctor's Associates, Inc. v. Casarotto, No. 95-559, U.S. (1996), the United States Supreme Court held that the notice requirement in 27-5-114(4), MCA, was preempted by section 2 of the Federal Arbitration Act.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 27-5-114, MCA, is amended to read:

"**27-5-114. Validity of arbitration agreement -- exceptions.** (1) A written agreement to submit an existing controversy to arbitration is valid and enforceable except upon ~~such~~ grounds ~~as~~ that exist at law or in equity for the revocation of a contract.

(2) A written agreement to submit to arbitration any controversy arising between the parties after the agreement is made is valid and enforceable except upon ~~such~~ grounds ~~as~~ that exist at law or in equity for the revocation of a contract. Except as permitted under subsection (3), this subsection does not apply to:

(a) claims arising out of personal injury, whether based on contract or tort;

(b) any contract by an individual for the acquisition of real or personal property, services, or money or credit ~~where~~ when the total consideration to be paid or furnished by the individual is $5,000 or less;

(c) any agreement concerning or relating to insurance policies or annuity contracts except for those contracts between insurance companies; or

(d) claims for workers' compensation.

(3) A written agreement between members of a trade or professional organization to submit to arbitration any controversies arising between members of the trade or professional organization after the agreement is made is valid and enforceable except upon ~~such~~ grounds ~~as~~ that exist at law or in equity for

the revocation of a contract.

~~(4) Notice that a contract is subject to arbitration pursuant to this chapter shall be typed in underlined capital letters on the first page of the contract; and unless such notice is displayed thereon, the contract may not be subject to arbitration.~~"

NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

-END-

MINUTES

MONTANA SENATE
55th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: By **CHAIRMAN BRUCE D. CRIPPEN**, on January 15, 1997, at 10:00 a.m., in the Senate Judiciary Chambers, Room 325, of the State Capitol, Helena, MT.

ROLL CALL

Members Present:
Sen. Bruce D. Crippen, Chairman (R)
Sen. Lorents Grosfield, Vice Chairman (R)
Sen. Al Bishop (R)
Sen. Sue Bartlett (D)
Sen. Steve Doherty (D)
Sen. Sharon Estrada (R)
Sen. Mike Halligan (D)
Sen. Ric Holden (R)
Sen. Reiny Jabs (R)
Sen. Walter L. McNutt (R)

Members Excused: None

Members Absent: None

Staff Present: Valencia Lane, Legislative Services Division
Jody Bird, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:
Hearing(s) & Date(s) Posted: SB 44, posted January 9, 1997
SB 135, posted January 8, 1997

Executive Action: SB 6, SB 16, SB 103, SB 135

HEARING ON SB 135

SENATOR AL BISHOP acted as Chairman during the hearing on SB 135.

Sponsor: **SENATOR BRUCE D. CRIPPEN, SD 10, Billings**

Proponents: None

Opponents: **Russell Hill, Montana Trial Lawyers Association**

Opening Statement by Sponsor: **SENATOR BRUCE D. CRIPPEN, SD 10, Billings.** This is a Code Commissioner bill eliminating special notice of arbitration provision required for contracts, having an immediate effective date. Language has been stricken on page 2, lines 2-4. Page 1, lines 8-10, state that notice is not necessary. These changes were recommended by Legislative Services.

Opponents' Testimony: **Russell Hill, Montana Trial Lawyers Association (MTLA).** There is a distinction between whether Federal law in certain circumstances preempts Montana law. Montanans need to understand the significance of what they're signing.

Questions From Committee Members and Responses: **SENATOR STEVE DOHERTY.** Was the ruling on page 1, lines 8-9, a securities case, or did the U.S. Supreme Court strike this entire section as it applies in Montana law? **SENATOR CRIPPEN.** I haven't looked at 27-5-114(4),MCA, so I don't know if it has general application, but the opinion was that it would apply in all cases.

SENATOR DOHERTY. If there is any wiggle room in this decision, would it be your interest to limit this to the findings in Doctor's Associations, Inc. v Casarotto or to apply it generally. **SENATOR CRIPPEN.** I may want to take a look at this, but I don't see a problem with having notice eliminated.

SENATOR DOHERTY. Are you willing to read this section of law? **SENATOR CRIPPEN.** During **SENATOR HOLDEN's** bill hearing the Code Commissioner staff will be present, and we can ask them.

Closing by Sponsor: None

HEARING ON SB 44

Sponsor: **SENATOR RIC HOLDEN, SD 1, Glendive**

Proponents: **Roger McGlenn, Executive Director, Independent Insurance Agents**
Robert Phillips, Missoula Attorney
Jacqueline Lenmark, American Insurance Association
Ron Ashabraner, State Farm Insurance Companies
Dwight Eastman, Farmers Insurance Group Companies
Lorna Frank-Karn, Montana Farm Bureau and Mountain West Insurance Company

Opponents: **Russell Hill, Montana Trial Lawyers Association**
Tom Bolin, Attorney, Great Falls, and member of MTLA

Opening Statement by Sponsor: **SENATOR RIC HOLDEN, SD 1, Glendive.** The bill is designed to clarify auto liability limits and how they apply across Montana. Sections 33-23-203 and 204, MCA, are currently confusing to the public, to attorneys, insurers, and the courts. "Coverage" is stricken, and "coverages" inserted to

SENATE STANDING COMMITTEE REPORT

January 15, 1997

MR. PRESIDENT:
We, your committee on Judiciary having had under consideration SB 135 (first reading copy -- white), respectfully report that SB 135 do pass.

Signed: _____
Senator Bruce Crippen, Chair

Amd. Coord.
Sec. of Senate

091241SC.Srf

MONTANA SENATE
1997 LEGISLATURE
JUDICIARY COMMITTEE

ROLL CALL DATE Jan 15, 1997

NAME	PRESENT	ABSENT	EXCUSED
SUE BARTLETT	✓		
AL BISHOP	✓		
STEVE DOHERTY	✓		
SHARON ESTRADA	✓		
MIKE HALLIGAN	✓		
RIC HOLDEN	✓		
REINY JABS	✓		
WALT MC NUTT	✓		
LORENTS GROSFIELD, VICE CHAIRMAN	✓		
BRUCE CRIPPEN, CHAIRMAN	✓		

SEN:1995
wp.rollcall.man
CS-09

DATE Jan 15, 1997

SENATE COMMITTEE ON Senate Judiciary

BILLS BEING HEARD TODAY: SB 135, SB 44

< ■ > PLEASE PRINT < ■ >

Name	Representing	Bill No.	Check One: Support	Oppose
LARRY AKEY	NAII	SB44	✓	
ROBERT PHILLIPS		SB44	✓	
K. Abel	State Farm Ins	SB44	✓	
Lorna FRANK KARN	MT. FARM Bureau	SB44	✓	
ROGER McGLENN	IND. INS. AGENTS	SB44	✓	
Dwight Easton	Farmers Ins	SB44	—	
Jacqueline Lenmark	Am. Ins. Assn	SB 44	✓	
Debbie Kanaka	Farmers Ins. Group	SB44	✓	
Russell B. Hill	MT Trial Lawyers	SB44, SB 135		✓

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

REGISTER.F10

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
55th LEGISLATURE - REGULAR SESSION

COMMITTEE ON BUSINESS & LABOR

Call to Order: By **CHAIRMAN BRUCE SIMON,** on January 24, 1997, at 8:00 AM , in Room 104.

ROLL CALL

Members Present:

Rep. Bruce T. Simon, Chairman (R)
Rep. Paul Sliter, Vice Chairman (Majority) (R)
Rep. Robert J. "Bob" Pavlovich, Vice Chairman (Minority) (D)
Rep. Joe Barnett (R)
Rep. Rod Bitney (R)
Rep. Sylvia Bookout-Reinicke (R)
Rep. Charles R. Devaney (R)
Rep. David Ewer (D)
Rep. Kim Gillan (D)
Rep. Billie Krenzler (D)
Rep. Bob Lawson (R)
Rep. Rod Marshall (R)
Rep. Gay Ann Masolo (R)
Rep. Wes Prouse (R)
Rep. Carolyn M. Squires (D)
Rep. Jay Stovall (R)
Rep. Cliff Trexler (R)
Rep. Joe Tropila (D)
Rep. Carley Tuss (D)

Members Excused: **REP. ROD BITNEY**

Members Absent: None.

Staff Present: Stephen Maly, Legislative Services Division
Pati O'Reilly, Committee Secretary

Committee Business Summary:

Hearing(s) & Date(s) Posted: SB 58; SB 135 (1/21/97)
Executive Action: SB 58; SB 135; HB 266; HB 286; HB 172

HEARING ON SB 135

Opening Statement by Sponsor: **SENATOR BRUCE CRIPPEN,** S. D. 10 introduced the bill.
{Tape: 1; Side: 1; Approx. Time Count: 1./0; Comments: None.}

Closing by Sponsor: **Senator Crippen** closed.
{Tape: 1; Side: 1; Approx. Time Count: 3.2; Comments: None.}

HEARING ON SB 58

Opening Statement by Sponsor: **SENATOR CHUCK SWYSGOOD,** S.D. 17 introduced the bill. **EXHIBIT 1.**
{Tape: 1; Side: 1; Approx. Time Count: 5.6; Comments: None.}

Proponents' Testimony:

Brad Griffin, MT Retail Assn.
{Tape: 1; Side: 1; Approx. Time Count: 9.8; Comments: None.}

Tara Mele, MT P.I.R.G.
{Tape: 1; Side: 1; Approx. Time Count: 10.2; Comments: None.}

Opponents' Testimony: None.

Informational Testimony:

Bob Pyfer, MT Credit Union League
{Tape: 1; Side: 1; Approx. Time Count: 11.1; Comments: None.}

John Cadby, Mt. Bankers Assn. EXHIBIT 2 & 3.
{Tape: 1; Side: 1; Approx. Time Count: 12.6; Comments: None.}

Questions From Committee Members and Responses:
{Tape: 1; Side: 1; Approx. Time Count: 16/5; Comments: None.}

Closing by Sponsor: **Rep. Swysgood** closed.
{Tape: 1; Side: 2; Approx. Time Count: 1.9; Comments: None.}

EXECUTIVE ACTION ON HB 266

Motion: **REP. SQUIRES MOVED HB 266 DO PASS.**
{Tape: 1; Side: 2; Approx. Time Count: 7.4; Comments: None.}

Motion/Vote: **REP. SQUIRES MOVED TO ADOPT COCCHIARELLA AMENDMENTS. EXHIBIT 4.** Motion passed unanimously.
{Tape: 1; Side: 2; Approx. Time Count: 9.4; Comments: None.}

Motion/Vote: **REP. SQUIRES MOVED DO PASS AS AMENDED.**
{Tape: 1; Side: 2; Approx. Time Count: 9.5; Comments: None.}

DISCUSSION:
{Tape: 1; Side: 2; Approx. Time Count: 9.9; Comments: None.}

Vote: Motion carried with roll call vote 12-7.
{Tape: 1; Side: 2; Approx. Time Count: 18.7; Comments: None.}

HOUSE STANDING COMMITTEE REPORT

January 24, 1997

Mr. Speaker: We, the committee on **Business and Labor** report that **Senate Bill 135** (third reading copy -- blue) **be concurred in**.

Signed: *Bruce Simon, Chair*

Carried by: Rep. Ewer

Committee Vote:
Yes 19, No 0.

mrp
1/24 1:25
171314SC.Hgd

HOUSE OF REPRESENTATIVES

BUSINESS AND LABOR COMMITTEE

ROLL CALL DATE 1/24/97

NAME	PRESENT	ABSENT	EXCUSED
Bruce Simon, Chairman	X		
Paul Sliter Vice Chairman	X		
Bob Pavlovich, Vice Chairman	X		
Joe Barnett	X		
Rod Bitney	~~X~~		X
Sylvia Bookout	X		
Charles Devaney	X		
David Ewer	X		
Kim Gillan	X		
Billie Krenzler	X		
Bob Lawson	X		
Rod Marshall	X		
Gay Ann Masolo	X		
Wes Prouse	X		
Carolyn Squires	X		
Jay Stovall	X		
Cliff Trexler	X		
Joe Tropila	X		
Carley Tuss	X		

HOUSE OF REPRESENTATIVES

VISITOR'S REGISTER

Business COMMITTEE BILL NO. _____

DATE 1-24-97 SPONSOR(S) _____

PLEASE PRINT PLEASE PRINT PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	BILL	OPPOSE	SUPPORT
Tara Meive	MontPIRG	SB 8		X
Bob Pyfer	MT Credit Union League	SB58		X info
JOHN CADBY	MT BANKERS ASSN	SB58	AMEND	
Brad Griffin	MT Retail Assoc.	SB58		X w/ Amendment

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

SENATE BILL NO. 135

INTRODUCED BY CRIPPEN

A BILL FOR AN ACT ENTITLED: "AN ACT ELIMINATING THE SPECIAL NOTICE OF ARBITRATION PROVISION REQUIRED FOR CONTRACTS; AMENDING SECTION 27-5-114, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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(3) A written agreement between members of a trade or professional organization to submit to arbitration any controversies arising between members of the trade or professional organization after the agreement is made is valid and enforceable except upon ~~such~~ grounds ~~as~~ that exist at law or in equity for

the revocation of a contract.

~~(4) Notice that a contract is subject to arbitration pursuant to this chapter shall be typed in underlined capital letters on the first page of the contract; and unless such notice is displayed thereon, the contract may not be subject to arbitration.~~"

NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

-END-